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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,981	02/11/2002	Tetsuto Kageyama	03500.016182	4613

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EXAMINER

NGUYEN, LAM S

ART UNIT PAPER NUMBER

2853

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,981

Applicant(s)

KAGEYAMA, TETSUTO

Examiner

LAM S NGUYEN

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2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

The indicated allowability of claims 9-11 is withdrawn in view of the newly discovered reference(s) to Watanabe et al. (US 4544931). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 11 fails to correspond in scope with that which applicant(s) regard as the invention can be found in Paper No. 10068981 filed 02/11/2002. In that paper, applicant has stated "If it is determined that the ink temperature is lower than "T", the current recording speed is lowered to a preset recording speed" and "lowering the recording speed represents lowering the discharge frequency for recording" (page 19, line 5-15), or "scanning speed of the carriage is lowered when the temperature of the ink supplied is lower than a reference temperature" (page 7, line 22-25), and this statement indicates that the invention is different from what is defined in the claim because "increasing the repetitive recording scanning frequency by said carriage when the temperature of the ink supplied from said ink tank to said ink supply tube is lower than a reference temperature" means that the repetitive recording scanning period is decreased. This leads to the increasing of the recording speed or the scanning speed. This is contracted to the disclosed statement in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al. (US 4544931).

Watanabe et al. disclose a recording control method for an ink jet recording apparatus comprising:

a recording head (FIG. 1, element 101) for recording data on a recording medium (FIG. 1, element 102) by discharging ink from a plurality of discharge ports (FIG. 3A, element 6),

a carriage (FIG. 1, element 110) having the recording head mounted thereon for reciprocally scanning the surface of said recording medium,

recording medium carrying means (FIG. 1, element 104) for carrying said recording medium by a predetermined distance in the direction perpendicular to the scanning direction of said carriage each time said carriage reciprocally scans the surface of said recording medium,

an ink storage tank placed in a position where reciprocal scanning by said carriage and carrying of said recording medium by said recording medium carrying means are not affected by the ink storage tank (column 6, line 8: ink is supplied from a main ink tank. Either the main ink tank is on or off the carriage, the scanning of the carriage is not affected by the ink

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tank), and a supply tube (FIG. 3A, element 9) for supplying ink from the ink storage tank to the recording head, and

control means for controlling ink discharge states of said recording head in accordance with an image signal input from a host computer, comprising a step of lowering the scanning speed of said carriage when the temperature of the ink supplied from said ink tank to said ink supply tube is lower than a reference temperature (column 12, line 2: reducing the traveling speed of said head by said traveling means in association with a decrease in said ambient temperature wherein the viscosity of ink depends on the ambient temperature (Abstract). In addition, the applicant also acknowledged that an ink temperature is changed due to an outside air temperature (page 13, line 17-20). Thus, the temperature of the ink in the tank and the ambient temperature are related).

Referring to claim 10: a step of increasing a non-recording time during which no ink is discharged from said recording head when the temperature of the ink supplied from said ink tank to said ink supply tube is lower than a reference temperature (column 11, line 42 to column 12, line 2: reducing the recording speed of said recording means implies the increasing a non-recording time).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S NGUYEN whose telephone number is (703)305-3342. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BARLOW can be reached on (703)308-3126. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

LN

March 25, 2003


John Barlow
Supervisory Patent Examiner
Technology Center 2800